

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of (1) the non-entered amendment previously submitted on September 8, 2003 and (2) in view of the reasons which follow.

The composition of the present invention comprises a synergistic mixture of herbal colorants, essential oils/aroma isolates from specific plant species along with acceptable base material, which satisfies the applicants expectation of a safe, eco-friendly, non-toxic beautifying cosmetic composition having wider applications/adaptations. This combination by the inventors was developed using few thousands of permutations and combinations.

The second citation of Tu provides a composition that can be used as skin protectant thereby limiting itself to therapeutic affects of the natural extract to enhance skin beauty by preventing dermal infections. However, the present invention has increased scope by application of the natural extracts in form of creams, eyelashes, lipstick, lotion, eye shadow, eyeliners, glow glitter, rouges, etc. Further, the applicants bring to the Examiners attention that present composition is for aesthetic impression of cosmetics for short period. Tu does not disclose a composition of herbal colorant ,rather it discloses a composition which has medicinal property that is to applied during fungal infections on the skin whereas composition of the present invention can be used as cosmetics for day to day life.

There is no suggestion to combine the cited references to arrive at the composition of the present invention. In fact, there is no motivation with the cited reference for the person skilled in the art to formulate the composition of the instant application. The inventors are of view that even by the hindsight reading of the invention and trying to establish objection by the Examiner, it would not be possible for the person skilled in the art to arrive at the present composition.

Furthermore, with respect to a preferred embodiment of the present invention, adding acids and bases can change the color of the composition. The specification clearly states that the intensity can be enhanced or reduced by adding inorganic acids or bases and thus is pH dependent, thereby showing that is after various combinations and permutations such compositions comprising particular color could be achieved.

Moreover, applicants urge that the cited references teach away from the present invention. The cited references relate to target pharmaceutical composition that imparts lasting affects to skin whereas present in invention does not have long term affects and provides only local cosmetic benefits. Furthermore, the cited references relate to an enhanced proportion to suite pharmaceutical application, whereas the present invention the composition has lower proportion i.e dermalogical composition.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 6, 2003

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5300

Facsimile: (202) 672-5399

Matthew E. Mulkeen  
Attorney for Applicants  
Registration No. 44,250